

Amendment No. 149

Senate Amendment to Senate Bill No. 256

(BDR S-922)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	☐	Lost	☐	_____		Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____		Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____		Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

HAC/MSM



Date: 4/1/2009

S.B. No. 256—Designates an area on the grounds of Northern Nevada Adult Mental Health Services as a historic cemetery. (BDR S-922)



SENATE BILL NO. 256—SENATOR MATHEWS

MARCH 16, 2009

JOINT SPONSOR: ASSEMBLYWOMAN SMITH

Referred to Committee on Government Affairs

SUMMARY—Designates an area on the grounds of Northern Nevada Adult Mental Health Services as a historic cemetery. (BDR S-922)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the grounds of Northern Nevada Adult Mental Health Services; designating an area on the grounds of Northern Nevada Adult Mental Health Services as a historic cemetery and providing the boundaries of the cemetery; requiring the reinterment of certain human remains found outside the boundaries of the cemetery; requiring the Office of Historic Preservation of the Department of Cultural Affairs to ~~maintain~~ oversee the maintenance and improvement of the cemetery; requiring the State of Nevada to terminate a lease of a portion of the cemetery to the City of Sparks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The grounds of Northern Nevada Adult Mental Health Services include a cemetery that was formerly a part of the Nevada Hospital for Mental Diseases. In 1949, the Legislature required the board of commissioners of the hospital to abolish the use of the cemetery. (Chapter 184, Statutes of Nevada 1949, p. 408) This bill designates the area of the former cemetery as a historic cemetery. This bill also requires the reinterment of human remains from gravesites found in a certain area outside the designated boundaries of the cemetery to the area inside the historic cemetery. This bill also provides for the Administrator of the Office of Historic Preservation of the Department of Cultural Affairs, in cooperation with persons with an interest in the matter, to ~~maintain and improve~~ oversee the maintenance and improvement of the cemetery.

In 1959, a portion of the former cemetery was leased to the City of Sparks. This bill directs the State of Nevada to terminate the lease. Upon termination of the lease, the area covered by the lease will become a part of the cemetery.

Section 2 of this bill repeals the statute that abolished the use of the cemetery.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The following area, used before 1949 as a cemetery for the former Nevada Hospital for Mental Diseases, is hereby established as a historic cemetery, except as otherwise provided in this section:

All that certain real property situate within a portion of the Northeast One-Quarter (NE 1/4) of Section Seven (7), Township Nineteen (19) North, Range Twenty (20) East, Mount Diablo Meridian, City of Sparks, State of Nevada and being portions of the State Department of Agriculture parcel and the Northern Nevada Adult Mental Health System parcel as shown on the Record of Survey for the Northern Nevada Adult Mental Health System, Map No. 4663, File No. 3330918, Official Records of Washoe County, being more particularly described as follows:

Area 1

BEGINNING at the Northeasterly corner of said State Department of Agriculture parcel, also being a point on the Westerly right-of-way line of 21st Street as shown on said Record of Survey Map;

THENCE along the Northerly line of said State Department of Agriculture parcel, North 81°36'00" West, 119.01 feet;

THENCE along the Westerly line of the Pinion Park lease line as shown on said Record of Survey, South 16°46'00" West, 33.50 feet;

THENCE continuing along said Westerly line, South 00°15'04" West, 257.47 feet to the Southwesterly corner thereof;

THENCE North 88°28'00" East, 125.05 feet;

THENCE North 0°45'00" East, 268.83 feet to the POINT OF BEGINNING;

Said area being 35,159 square feet, 0.807 acres, more or less.

Area 2

COMMENCING at the Northeasterly corner of said State Department of Agriculture parcel, also being a point on the Westerly right-of-way line of 21st Street as shown on said Record of Survey Map; THENCE South 0°45'00" West, 268.83 feet to the POINT OF BEGINNING;

THENCE continuing along the Westerly right-of-way line of 21st Street South 0°45'00" West, 361.77 feet;

THENCE South 89°05'10" West, 114.54 feet;

THENCE North 00°54'50" West, 360.26 feet;

THENCE North 88°28'00" East, 125.05 feet to the POINT OF BEGINNING;

Said area being 43,234 square feet, 0.992 acres, more or less.

2. Except as otherwise provided in this section, the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services, in cooperation with the State Public Works Board, the Administrator of the Office of Historic Preservation of the Department of Cultural

1 Affairs and any other persons with an interest in the matter, shall disinter certain
2 human remains found in gravesites on the grounds of Northern Nevada Adult
3 Mental Health Services that are outside of the area described in subsection 1 and
4 reinter the remains within the area described in subsection 1. The remains to be
5 relocated consist of a row of approximately 30 graves in an area east of the Dini-
6 Townsend Hospital and west of the State Department of Agriculture building on the
7 grounds of Northern Nevada Adult Mental Health Services.

8 3. The Administrator of the Division of Mental Health and Developmental
9 Services:

10 (a) Shall adopt regulations pursuant to NRS 451.069 to 451.330, inclusive,
11 concerning the disinterment and removal of remains pursuant to subsection 2.

12 (b) Shall not reinter remains in the area described in subsection 1 as “area 1”
13 until the leasehold interest of the City of Sparks is terminated pursuant to
14 subsection 7.

15 (c) Shall, except as otherwise provided in subsection 6, comply with all federal
16 and state laws concerning burial sites and disinterment and reinterment of human
17 remains.

18 4. The cost of disinterment and reinterment of remains pursuant to this section
19 must be paid to the extent of available money from Project No. 07-C20 of the State
20 Public Works Board, as approved in paragraph (b) of subsection 3 of section 1 of
21 chapter 347, Statutes of Nevada 2007, at page 1637. To the extent that money is
22 available for this purpose, the State Public Works Board shall provide, in
23 consultation with the Administrator of the Office of Historic Preservation of the
24 Department of Cultural Affairs and other persons with an interest in the matter,
25 appropriate fencing and a memorial monument for the cemetery.

26 5. The Administrator of the Office of Historic Preservation of the Department
27 of Cultural Affairs shall, in consultation with persons with an interest in the matter
28 and to the extent of available money, ~~provide for~~ **oversee** the maintenance and
29 improvement of the historic cemetery established pursuant to this section. ~~It and~~
30 ~~may accept gifts and grants to offset the costs of the maintenance and~~
31 ~~improvement.~~

32 6. The provisions of NRS 451.045 do not apply to the disinterment of remains
33 required by subsection 2. The provisions of NRS 452.001 to 452.610, inclusive, do
34 not apply to the historic cemetery established by this section.

35 7. The area designated in subsection 1 as “area 1” is the portion of the historic
36 cemetery leased to the City of Sparks by a lease dated September 10, 1959, and is
37 subject to that lease until it is terminated by the State of Nevada. The State of
38 Nevada shall give an appropriate 180-day written notice of termination as provided
39 in the lease and shall terminate the lease. Upon termination of the lease, that area
40 becomes a part of the historic cemetery established by this section.

41 **Sec. 2.** Section 1 of chapter 184, Statutes of Nevada 1949, at page 408, is
42 hereby repealed.

TEXT OF REPEALED SECTION

Section 1 of chapter 184, Statutes of Nevada 1949:

SECTION 1. Notwithstanding any other provision of law, it is hereby made the specific duty of the board of commissioners of the Nevada hospital for mental diseases to abolish the use of any cemeteries now located on the hospital grounds. It is further made the specific duty of said

board to provide a decent burial for any inmate or patient who dies while such an inmate, at any cemetery without the hospital grounds, and in so doing, the said board of commissioners is authorized to enter into a contract with any person or persons, including governmental agencies or instrumentalities, as it deems proper, for such a decent burial, or it may provide for any sort of an arrangement under the operating head of the hospital. The cost of such burial, where there are known relatives, shall be borne by such relatives, and where there are no known relatives, the cost of such burial shall be a charge against the State of Nevada, but the cost thereof shall not exceed the amount charged for the burial of indigents in the county in which the burial takes place. When any person who is an inmate of said hospital dies while such inmate, any known relatives or friends of such person shall be notified immediately of the fact of death, and in the event there is no known relative or friend of such inmate, notice shall be given by publication for one insertion in a newspaper to be chosen by said board of commissioners for such purpose. The board of commissioners is specifically charged with the duty of giving such notification and may delegate such duty to the superintendent.